

117508

20798

PL-1
Ruppert

DECISION

THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-205478; B-205478.2

DATE: February 17, 1982

MATTER OF: Prestex, Inc.; Putnam Mills Corporation

DIGEST:

1. Copies of lost bids may not be submitted after bid opening where the bids were lost by the Government, since that would be inconsistent with protecting the integrity of the competitive bidding system.
2. Protest alleging that IFB should be canceled and resolicited where two bids were lost by the Government is denied, since the Government received the benefit of competition and there is nothing in the record which suggests that reasonable prices were not obtained or that the loss of bids had anything to do with a specific intent to exclude the protesters from the competition.

Prestex, Inc. (Prestex), and Putnam Mills Corporation (Putnam) protest the refusal of the contracting officer to receive, under invitation for bids (IFB) DLA100-81-B-1444, issued by the Defense Logistics Agency, copies of the Prestex and Putnam bids that were lost by the contracting agency after receipt of the bids by certified mail before the bid opening.

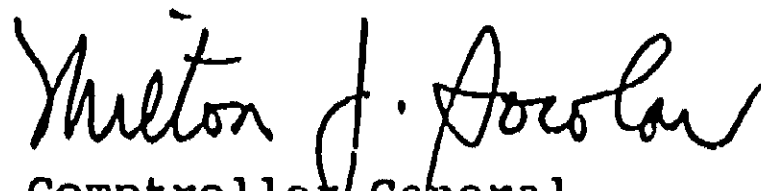
We find the protests to be without merit.

We have held that a bidder cannot provide a copy of its bid for consideration after bid opening where the original bid was lost by the Government before the opening of bids, since it would be inconsistent with preserving the integrity of the competitive bidding system. Commercial Envelope Manufacturing Co., Inc., B-183010, July 17, 1975, 75-2 CPD 44. Putnam attempts

to distinguish the rule on the basis that its certified mail receipt cited the IFB number and that where the rule was followed, the certified mail receipt did not indicate that a bid was involved. However, that is not a valid distinction. Even if there is no uncertainty that the envelope submitted by Putnam by certified mail contained a bid, in the absence of the original bid that was in the envelope, there is no certainty that the bid presented after bid opening is identical to the bid received and lost before bid opening. Thus, the tender of bid copies is inconsistent with preserving the integrity of the competitive bidding system.

Alternatively, Putnam argues that, if a copy of its lost bid will not be considered, the IFB should be canceled and resolicited. However, where there is adequate competition, reasonable prices are received and there is no evidence of a deliberate attempt to exclude the protester from competition, there is no need to readvertise the procurement. Security Assistance Forces & Equipment OHG, B-201839, December 31, 1981, 81-2 CPD 516. In the immediate case, the contracting agency has stated that it received six bids, that two bids are responsive and that it is prepared to make an award under the IFB. Thus, the Government received the benefit of competition and there is nothing in the record which suggests that reasonable prices were not obtained. Moreover, there is no evidence that the loss of the bids had anything to do with a specific intent to exclude Prestex and Putnam from the competition.

Accordingly, we deny the protests.

for 
Comptroller General
of the United States